

ESQUIRE DEPOSITION SERVICES

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

RECEIVED

MAY 27 2005

BROMBERG & SUNSTEIN

SCANSOFT, INC., :
Plaintiff, :
VS. :
VOICE SIGNAL TECHNOLOGIES, : CASE NO.
INC., LAURENCE S. GILLICK, : 04-10353-PBS
ROBERT S. ROTH, JONATHAN P. :
YAMRON and MANFRED G. :
GRABHERR, :
Defendants. :

DEPOSITION OF THOMAS J. LAZAY, a witness
called by and on behalf of the Plaintiff, taken
pursuant to the applicable provisions of the
Federal Rules of Civil Procedure, before
Sandra L. Bray, Registered Diplomate Reporter,
CSR Number 103593, and Notary Public in and for
Commonwealth of Massachusetts, at the offices of
Bromberg Sunstein LLP, 125 Summer Street,
Boston, Massachusetts, on Wednesday, May 25,
2005, commencing at 10:14 a.m.

ORIGINAL

ESQUIRE DEPOSITION SERVICES
1-866-619-3925

ESQUIRE DEPOSITION SERVICES

Page 2

1 APPEARANCES:

2 Representing the Plaintiff:

3 CHOATE HALL & STEWART

4 53 State Street

5 Exchange Place

6 Boston, Massachusetts 02109

7 BY: PAUL D. POPEO, P.C.

8

9 Representing the Defendants:

10 BROMBERG SUNSTEIN LLP

11 125 Summer Street

12 Boston, Massachusetts 02110

13 BY: LISA M. FLEMING, ESQUIRE

14

15

16

17

18

19

20

21

22

23

24

ESQUIRE DEPOSITION SERVICES

1-866-619-3925

ESQUIRE DEPOSITION SERVICES

Page 3

1 I N D E X

2 WITNESS: PAGE NO.

3 THOMAS J. LAZAY

4 BY MS. FLEMING 4

5

6 E X H I B I T S

7 NO. DESCRIPTION PAGE NO.

8 1 Voice Signal Technologies Web
Site Printout 139 2 VSuite 1.2.00 Mass Market
10 Handsets User Interface
Specification 8011 3 VSuite 2.0 Mass Market Handsets
12 User Interface Specification 10013 4 Document entitled Samsung
Korean VSuites 12914 5 Marketing Requirements
15 Specification 13116 6 Copy of E-mail from
Mr. Gillick, dated 4-19-01 18017 7 Copy of E-mail to Mr. Yamron,
18 dated 5-7-01 19519 8 Document entitled Core
Technology at VST 198

20

21

22

23

24

ESQUIRE DEPOSITION SERVICES

Page 4

10:14:24 1 P R O C E E D I N G S

10:14:24 2 (The Massachusetts driver's license
10:14:24 3 number as identification of the deponent
10:14:24 4 was noted for the record.)

5 THOMAS J. LAZAY, having duly sworn or
6 affirmed that his testimony would be the truth,
7 the whole truth, and nothing but the truth,
8 testified as follows:

9 * * *

10:14:29 10 EXAMINATION BY MS. FLEMING:

10:14:29 11 Q. Mr. Lazay, could you state your name and spell
10:14:32 12 it for the record, please?

10:14:33 13 A. Thomas Lazay, L A Z A Y.

10:14:36 14 Q. And, Mr. Lazay, have you been deposed before?

10:14:40 15 A. No, I have not.

10:14:40 16 Q. New experience?

10:14:41 17 A. Yes.

10:14:41 18 Q. I'm going to ask you a series of questions, and
10:14:44 19 if at any time you don't understand a question,
10:14:46 20 I want you to let me know that. My role here is
10:14:49 21 to ask you questions that you understand so I
10:14:52 22 can get intelligible answers. So it's not -- my
10:14:56 23 role is not to deceive you in any way. So if
10:15:01 24 you feel like you don't understand a question,

ESQUIRE DEPOSITION SERVICES

Page 84

11:45:10 1 software that would then be built and sold. Is
11:45:13 2 that --

11:45:14 3 Q. What's the purpose of this document?

11:45:15 4 A. The document has a few purposes. One is it is a
11:45:19 5 specification for our software engineers and
11:45:25 6 technical teams so they build software that
11:45:27 7 accurately fills the requirements of this
11:45:29 8 document.

11:45:29 9 Q. Okay.

11:45:30 10 A. And it's also available to anyone in the company
11:45:35 11 who may have a need to send the document or
11:45:39 12 components of the document to a customer so that
11:45:42 13 the customer knows what the details of the
11:45:46 14 product are that they are receiving and that
11:45:48 15 their test teams will know how to test the
11:45:50 16 product to make sure it complies with the
11:45:52 17 specification.

11:45:53 18 Q. So if I understand your testimony, this user
11:45:57 19 interface specification may be sent to a
11:46:01 20 customer so that its engineering team can
11:46:06 21 understand how the VSuite product works?

11:46:08 22 MR. POPEO: Objection.

11:46:09 23 A. It can be sent, yes.

11:46:11 24 Q. Is it sent oftentimes?

ESQUIRE DEPOSITION SERVICES

Page 85

11:46:14 1 A. I don't know for sure, but I'm confident it has
11:46:18 2 been sent to customers in various forms.

11:46:20 3 Q. Okay. As vice president of product management,
11:46:25 4 are you involved with what documents are
11:46:27 5 provided to customers?

11:46:29 6 MR. POPEO: Objection.

11:46:29 7 A. Generally not, no.

11:46:31 8 Q. Generally not. Who was involved with the
11:46:36 9 decision about the documents that go to
11:46:37 10 customers?

11:46:37 11 MR. POPEO: Objection.

11:46:38 12 A. Their -- are you asking if there's a single role
11:46:41 13 in the company?

11:46:42 14 Q. I'm asking in general who might be involved. If
11:46:44 15 you're not, who is involved?

11:46:47 16 A. It could be anyone at the company who may have a
11:46:50 17 contact with a customer. So it could be
11:46:52 18 salespeople. It could be engineers. It could
11:46:56 19 be one of the executives like Dan.

11:46:58 20 Q. Okay. But you authored this particular
11:47:01 21 document, Exhibit 2, correct?

11:47:02 22 A. Correct, yes.

11:47:03 23 Q. And to your knowledge, has this document been
11:47:06 24 shared with customers of VST?

ESQUIRE DEPOSITION SERVICES

Page 86

11:47:08 1 A. I don't know of a specific instance, but it
11:47:11 2 would not surprise me this had been sent out for
11:47:15 3 various reasons.

11:47:15 4 Q. And given your general knowledge of the company,
11:47:17 5 are you aware that these user interface
11:47:21 6 specifications have been shared with customers
11:47:26 7 of Voice Signal?

11:47:26 8 A. I'm aware that certainly -- I don't know if
11:47:30 9 specifically this specific specification has
11:47:33 10 been shared --

11:47:33 11 Q. In general?

11:47:34 12 A. -- but in general, it would be acceptable for
11:47:38 13 this to be shared with a customer.

11:47:40 14 Q. Again, given your general knowledge of the
11:47:42 15 company, are there other documents that you know
11:47:44 16 are shared with customers or sent with customers
11:47:47 17 when they license your products?

11:47:49 18 MR. POPEO: Object to the form. You
11:47:52 19 may answer.

11:47:53 20 A. The thing that comes to mind is in some cases,
11:47:57 21 there may be a user guide that the customers
11:48:02 22 documentation group would use to put in their
11:48:04 23 user manual for the phone itself, so end-user-
11:48:09 24 type documentation.

ESQUIRE DEPOSITION SERVICES

Page 214

1 C E R T I F I C A T E

2 I, THOMAS J. LAZAY, do hereby certify that I
3 have read the foregoing transcript of my
4 testimony, given on May 25, 2005, and I further
5 certify that said transcript is a true and
6 accurate record of said testimony (with the
7 exception of the corrections listed below):

8 Page Line Correction

9

10

11

12

13

14

15

16

17 Dated at , this

18 day of , 2005.

19

20 THOMAS J. LAZAY

21 SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY

22

23

24

slb

ESQUIRE DEPOSITION SERVICES

Page 215

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

I, Sandra L. Bray, Registered Diplomat
Reporter and Notary Public in and for the
Commonwealth of Massachusetts, do hereby
certify:

That THOMAS J. LAZAY, the witness whose
deposition is hereinbefore set forth, was duly
sworn by me and that such deposition is a true
record of my stenotype notes taken in the
foregoing matter, to the best of my knowledge,
skill and ability.

IN WITNESS WHEREOF, I have hereunto set
my hand this 27th day of May, 2005.


Sandra L. Bray, RDR
Registered Diplomat Reporter